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REMARKS

This is in response to the Final Office Action dated March 11, 2003.

After entry of this Amendment, claims 12-23 are pending in the application. Claims 12, 16, and 17 have been amended. Reconsideration is respectfully requested.

Applicant's attorney would like to thank the Examiner for her time and courtesy extended during the personal interview on May 8, 2003.

Claims 12-15, 20, and 21 stand rejected under 35 USC §103(a) as being unpatentable over Adam, et al., in view of Adams. The Examiner states that Adam, et al., is silent as to the composition of the joint, but asserts that Adams teaches a joint 5 including a sealing material and a metal element that contacts metal parts of a core and a base, the metal element operable to conduct electrical current between the core and the base. The Examiner states that it would be obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam, et al., with the seal of Adams so as to provide a seal between the core and the base that serves as a means to line the core and the base while providing electrical contact between the core and the base while protecting against chemical erosion, thus increasing the life expectancy of the mechanism.

The combination of Adam, et al., with the gasket of Adams does not anticipate, teach, or suggest a joint interposed between the core and the base, the joint including a sealing material and at least one metal element carried by the sealing material in electrically conductive contact with metal parts of the core and the base, the at least one metal element operable to conduct electrical current between the core and the base to maintain a uniform electric potential in the core and the base as recited in amended claim 12. Applicant's attorney would like to note that it is impermissible to use the claimed invention as an instruction manual to find that a claimed invention is obvious. One cannot use hindsight reconstruction to pick and choose among isolated disclosures. See In re Fritch, 972 F.2d 1260. The Federal Circuit Court has stated that merely using a combination of old elements does not negate an invention's patentability. There must be a suggestion in the cited references as to how the features of the two devices could be combined so as to meet

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the structure claimed in the present invention. See *Ex Parte Re Qua*, 56 USPQ 279. The cited references are non analogous art and even if there were a suggestion to combine the prior art, the "pieced together" invention would be inoperable. The gasket of Adams is a head gasket for an automotive engine. The electric motor of Adam et al. could never function as the claimed invention by merely adding the gasket of Adams and attempting to run electrical current through the housing components. If the present invention as recited in claim 12 is obvious, the Examiner is requested to cite a prior art reference or combination of references that teach an electric motor that conducts electric potential through a seal between two metal housings.

The Examiner states regarding claims 13-15 and 21, that Adams teaches a plastic seal having several fixation orifices enjoining the embedded metal elements, the two metal elements being disjointed. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the gear motor of Adam, et al., with the seal of Adams. The Examiner has failed to cite in the combination of references, taken singularly or in any permissible combination that anticipate, teach, or suggest the present invention as recited in claims 13-15 and 21 in combination with claim 12 from which they depend.

Regarding claim 20, the Examiner states that Adam, et al., discloses the core and the base having a cylindrical sector, the joint having an opening, able to receive a cylindrical sector, and stops (42,43) projecting into the opening. The stops 42 and 43 cited by the Examiner in Adam, et al., are slot openings on the transmission housing for receiving projections 33 and 34 from the motor housing so that the two metal housings can be aligned with one another. The stop 44 recited in the present invention is formed on the joint for aligning the joint between the base and the core. The Examiner has failed to cite in the combination of references, taken singularly or in any permissible combination that anticipate, teach, or suggest stops formed on a seal as recited in claim 20 of the present invention.

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Claims 16-18 and 22-23 stand rejected under 35 USC §103(a) as being unpatentable over Adam, et al., in view of Adams, as applied to 12, 15, and 20-21 above and in further view of Kuribara, et al. The Examiner states regarding claims 16-18, that Adams discloses all but the temporary fixation means as claimed in the present invention. However, the Examiner asserts that Kuribara, et al., teaches a temporary clipping lug on the joint, the lug having an access orifice in order to remove the temporary fixation means. Claim 16 has been amended into independent form to include the features of original claim 12. The combination of Adam, et al., in view of Adams, and in further view of Kuribara, et al., does not anticipate, teach, or suggest a temporary fixation means includes a wall extending substantially orthogonally from an edge of the joint and externally surrounds the outer periphery of the mating flange of the core when the joint and the core are assembled together as recited in amended claim 16. The seal 4 in Adams et al. is a planar seal as shown in figure 1. The planar seal 4 does not include a temporary fixation means having a wall extending substantially orthogonally from an edge of the seal for externally surrounding the outer periphery of the mating flange of a housing. The combination of references do not teach or suggest at least one temporary clipping means formed as a substantially J-shaped element for attaching to the outer periphery of the mating flange of the core as recited in amended claim 17. Item 35 defined by the examiner as a temporary clipping lug is actually an annular ridge formed on the peripheral wall 32 as recited in Column 5 beginning in line 20. The passage continues to explain that the annular ridge 35 is plastically deformed in a groove 25 of the outer casing 20 so as to provide a seal with the outer casing 20. Item 35 can not be reasonably interpreted as a temporary fixation element nor is the element substantially J-shaped as required by the present invention. There is no suggestion or teaching in Kuribara, et al., of a temporary clipping lug or an access orifice for removal of the temporary fixation means as recited in claim 18 of the present invention. The Examiner has failed to cite in the references a manufacturing process for a gear motor comprising the steps of fixing the joint, the core, and the base by definitive fixation means, such that the electrical current conducts between the core and the base through at least one

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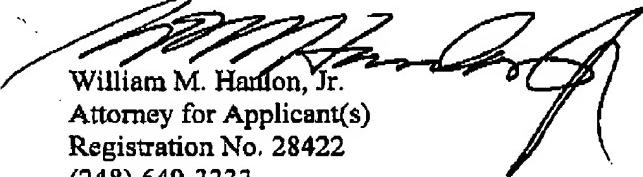
metal element associated with the joint as recited in claim 22. Further, the Examiner has failed to cite in the references a motor vehicle wiper motor manufactured by the process comprising a core motor attached to a reduction gear base, the core and base having metal mating flanges with the outer periphery protruding away from the core and the base, respectively, and a joint interposed between the core and the base, the joint including a sealing material and at least one metal element in contact with the metal parts of the core and the base, the at least one metal element operable for conducting electrical current between the core and the base as recited in claim 23.

It is respectfully submitted that this Amendment overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of further communication, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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Dated: May 13, 2003
WMH/MDF/rm

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FACSIMILE TRANSMISSION

DATE: May 13, 2003

RE: Our File: VMF-492-A
Serial No.: 09/889,079
Filing Date: July 11, 2001

TO: Examiner Julie Knecht Smith
Art Unit 3682

FAX RECEIVED

FACSIMILE NO.: (703) 305-3597

MAY 14 2003

FROM: William M. Hanlon, Jr.

GROUP 3600

PAGES TO FOLLOW: - 9 -

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dominique Gerrand & Pascal Renoux
Serial Number: 09/889,079
Filing Date: July 11, 2001
Examiner/Art Group Unit: Smith, Julie Knecht/3682
Title: MOTOR VEHICLE WIPER GEAR MOTOR
WITH BASE AND CORE

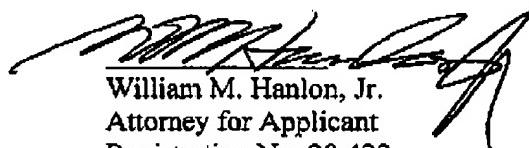
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